

EXHIBIT 14

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 18-cv-01047 (PGG)

5 -----x
6 EIG ENERGY FUND XIV, L.P.,
7 EIG ENERGY FUND XIV-A, L.P.,
8 EIG ENERGY FUND XIV-B, L.P.,
9 EIG ENERGY FUND XIV (CAYMAN), L.P.,
10 EIG ENERGY FUND XV, L.P.,
11 EIG ENERGY FUND XV-A, L.P.
12 EIG ENERGY FUND XV-B, L.P.
13 EIG ENERGY FUND XV (CAYMAN), L.P.

Plaintiffs,

-against-

12 KEPPEL OFFSHORE & MARINE LTD.,
13 Defendant.

-----x

14
15 * * * CONFIDENTIAL * * *

16 VOLUME II

17 VIRTUAL ZOOM DEPOSITION

18 LEONG PENG TAN

19 July 16, 2021
20
21

22 Reported By:

23 Erica Ruggieri, CSR, RPR
24
25

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2 Shimabukuro, Bates Keppel 0001126
3 to 128, marked for identification,
4 as of this date.)

5 Q. Let me know when you have
6 it, sir.

7 A. Yes.

8 Q. I want you to look at the
9 first e-mail in the e-mail chain
10 which is at the top of page 2 of the
11 pdf. It's from Carla Shimabukuro at
12 Keppel FELS dated November 8, 2011,
13 and she sends this to K.C. Kwok
14 cc'ing Edmundo Santos.

15 Do you see that, sir?

16 A. Yes.

17 Q. And the subject line is
18 comments from Fabio Cunha of Sete
19 Brasil company.

20 Do you see that, sir?

21 A. Yes.

22 Q. And she writes, "Sir,
23 please see below the e-mail from
24 Fabio Cunha of the Sete Brasil
25 company, regarding the visit that

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2 happened on August 4, 2011."

3 And underneath that it appears
4 to be a translation that she
5 provides of comments that were
6 received from Edmundo Santos at Sete
7 Brasil. Do you agree?

8 A. I don't know whether that's
9 translated by her but there's a --
10 there's a translated version there.

11 Q. Okay. And within her
12 e-mail it says, "Edmundo, the visit
13 was very fruitful and our investors
14 and employees learned a lot about
15 the construction of the
16 platform/vessels. The overall
17 impression was good and reached the
18 expected reduction in the risk
19 perception of the project. Thank
20 you for your attention and your
21 staff."

22 Do you see that, sir?

23 A. Yes.

24 Q. And what did KOM understand
25 the purpose of this visit by EIG and

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2 the other potential investors to be?

3 MR. BARBUR: Objection to the
4 form of the question. You haven't
5 established that they were
6 potential investors or that EIG or
7 Keppel was aware of that.

8 Q. You can answer the
9 question, Mr. Tan.

10 A. Can you repeat the question
11 again?

12 Q. Sure. What did KOM
13 understand the purpose of this visit
14 by EIG and other investors or
15 potential investors in Sete to be?

16 A. I don't know what's the
17 intention. I think the key is that
18 when a client requests for yard tour
19 we would just, how do I say, we
20 would then organize ourselves, okay,
21 to present the yard to our client
22 request, show him the yard
23 capabilities and facilities and
24 whatever other topics have been
25 spoken or presented.

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2 Q. Well, Mr. K.C. Kwok
3 understood that the purpose of the
4 visit to the BrasFELS shipyard was
5 in connection with any due diligence
6 or monitoring that the investors or
7 potential investors in Sete Brasil
8 would be doing, correct?

9 A. I don't know whether K.C.
10 Kwok know.

11 Q. Based on your preparation
12 did you learn any information as to
13 what KOM's understanding of the
14 purpose of a visit from a potential
15 or actual investor in Sete would be?

16 A. We don't even know whether
17 they are potential investor. Just
18 to ask this just that Sete Brasil
19 wants to bring.

20 Q. I understand. But even if
21 Keppel thought at this time it was
22 an investor in Sete Brasil, did you
23 learn from your preparation what
24 Keppel considered the purpose of
25 this visit or visits from investors

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2 in Sete to be?

3 A. The first purpose of the
4 visit are what I mention just now is
5 to showcase the yard.

6 Q. Okay. Do you agree that at
7 least as of August 2011 when EIG
8 visited the Keppel shipyard Keppel
9 knew that EIG was an investor or
10 potential investor in Sete Brasil?

11 A. I don't know.

12 Q. Having seen this document
13 does it refresh your recollection as
14 to whether or not at least by
15 August 2011 Keppel learned that EIG
16 was an investor or potential
17 investor in Sete?

18 A. I don't know. We don't
19 even know who is EIG.

20 Q. You don't see this e-mail
21 that's being sent to K.C. Kwok
22 discussing the visit as productive
23 and informing Mr. Kwok that the
24 investors learned a lot about the
25 construction of the semisubs and

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2 this e-mail is coming from a
3 representative of Sete?

4 MR. BARBUR: I'm sorry, what's
5 the question? I didn't hear a
6 question there.

7 Q. You don't see that this
8 e-mail discussing the visit as
9 productive and referring to
10 investors who learned a lot about
11 the construction of the semisubs is
12 coming from a representative of Sete
13 Brasil?

14 MR. BARBUR: You are just
15 asking him to interpret the
16 document then.

17 Q. Mr. Tan, please answer the
18 question.

19 A. Yes. But what the document
20 say and the document, this e-mail,
21 is dated November.

22 Q. I understand that. But the
23 actual visit occurred in
24 August 2011, correct?

25 A. I can only state -- sorry,

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2 subject line Sete visit BrasFELS.

3 Do you see that, sir?

4 A. Yes.

5 Q. And he writes, "Mr. Barusco
6 call me now, asking if possible to
7 visit BrasFELS next Thursday, 4th of
8 Aug. It will be some investors in
9 Sete and the total of people will be
10 six persons, leader by Fabio,
11 construction manager for Sete."

12 And he goes on to say, "Please
13 give your position or call me.
14 Mr. Barusco is waiting my call
15 back."

16 Do you see that, sir?

17 A. Yes.

18 Q. And do you see Mr. Kwok's
19 response on the e-mail above still
20 cc'ing Y.Y. Chow and he writes,
21 "Edmundo, plse," please, "liaise
22 with Zwi and organize accordingly."

23 Do you see that, sir?

24 A. Yes.

25 Q. Seeing this document and

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2 the other Plaintiffs' exhibits that
3 was showing Mr. K.C. Kwok the list
4 of investors that were attending the
5 BrasFELS visit, do you agree that at
6 least by August 2011 Keppel knew
7 that EIG was an investor or
8 potential investor in EI -- in Sete
9 Brasil?

10 A. I don't know. Because --

11 Q. You don't know?

12 A. I don't know. Because this
13 is -- this e-mail from K.C. Kwok he
14 just ask Edmundo to liaise with Zwi,
15 and whether he has full
16 understanding of the e-mail below I
17 don't know because yard tour to us
18 is very common. Every year we host
19 numerous yard tour from various
20 client, education institute,
21 ministry. So just business as usual
22 kind of yard visit. So I don't know
23 whether he did read the full context
24 of the e-mail or not and ask Edmundo
25 to liaise with Zwi.

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2 Q. I understand, Mr. Tan, but
3 do you agree that as of August 3rd,
4 2011, Mr. K.C. Kwok received
5 information identifying the
6 potential visitors of the BrasFELS
7 shipyard in August 2011 as including
8 Mr. Kevin Corrigan of EIG?

9 MR. BARBUR: Are you referring
10 to Exhibit 96 or something
11 different now? I have lost track.

12 MS. PAK: I'm referring to
13 both exhibits Plaintiff's Exhibit
14 Exhibits 96 and 94.

15 Q. Between those two documents
16 do you agree that Mr. K.C. Kwok and
17 Y.Y. Chow at least as of August 2011
18 received sufficient information to
19 know that the investors who were
20 visiting the BrasFELS shipyard in
21 August 2011 were potential or actual
22 investors in Sete Brasil?

23 MR. BARBUR: Objection. That
24 question didn't make any sense.

25 A. I cannot -- I cannot speak

1
2 STATE OF NEW YORK)

3 ss.:

4 COUNTY OF NEW YORK)

5
6 I, ERICA L. RUGGIERI, RPR and a
7 Notary Public within and for the State
8 of New York, do hereby certify:

9 That I reported the proceedings
10 in the within-entitled matter, and
11 that the within transcript is a true
12 record of such proceedings.

13 I further certify that I am not
14 related by blood or marriage, to any
15 of the parties in this matter and
16 that I am in no way interested in the
17 outcome of this matter.

18 IN WITNESS WHEREOF, I have
19 hereunto set my hand this 19th day of
20 July, 2024.

21 
22

23 ERICA L. RUGGIERI, RPR, CSR, CLR
24
25